

**Town of Westfield
Planning Board
MINUTES
June 1, 2020**

The Westfield Planning Board met on June 1, 2020 at 7:30 pm. Due to the coronavirus pandemic, this meeting was held remotely through Zoom Webinar. The public was provided with access to join the webinar through Zoom.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT in the State of New Jersey, adequate notice of this meeting was provided to all members of the Planning Board and the newspapers that have been designated to receive notice, the Star Ledger and the Westfield Leader.

Chairman Newell called the meeting to order and opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL:

PRESENT: Robert Newell, Mayor Shelley Brindle, Danielle Walsh, Michael Ash,
Michael La Place, Anastasia Harrison, Matthew Ceberio, Ross Goldstein
ABSENT: Kris McAloon, Linda Habgood, Ann Freedman
ALSO PRESENT: Alan Trembulak, Planning Board Attorney, Donald Sammet, Town
Planner, Linda Jacus, Administrative Secretary

ADOPTIONS OF MINUTES:

Chairman Newell called for a motion to adopt the minutes of the May 4, 2020, meeting. Danielle Walsh made a motion to adopt; Michael Ash seconded.

ALL IN FAVOR: Robert Newell, Mayor Shelley Brindle, Danielle Walsh, Michael Ash,
Michael La Place, Anastasia Harrison, Matthew Ceberio, Ross Goldstein
OPPOSED: None
ABSTAINED: None
ABSENT: Kris McAloon, Linda Habgood, Ann Freedman

Motion carried.

ADOPTION OF RESOLUTIONS:

PB 19-09 440 North Avenue East, LLC., 440 North Avenue East, Block 3202 Lot 7

Applicant sought approval to construct a three-story office building contrary to Section 17.02C5c, 17.04A, and 16.04E5 of the Land Use Ordinance to allow 40 parking spaces where the Ordinance requires 63 parking spaces; to allow a parking space dimension of 9' x 16' where the

Ordinance requires a minimum parking space dimension of 9' x 18'; to allow a front yard setback of 1 foot where the Ordinance requires a setback of 20 feet in the front yard. Application approved with conditions.

Darielle Walsh made a motion to adopt the resolution; Michael Ash seconded.

ALL IN FAVOR: Robert Newell, Mayor Shelley Brindle, Darielle Walsh, Michael Ash,
Michael La Place, Anastasia Harrison, Matthew Ceberio, Ross Goldstein
OPPOSED: None
ABSTAINED: None
ABSENT: Kris McAloon, Linda Habgood, Ann Freedman

Motion carried.

PB 20-02 570 Westfield Avenue, LLC., 570 Westfield Avenue, Block 3010 Lot 14

Applicant sought approval to renovate and make alterations to an existing medical office, approved in 2018, by improving the basement to allow for a conference room/break room, business manager's office and bathroom; the applicant is also looking to covert the second and third floors to two-bedroom apartments with no new variances being requested and the continuation of the existing bulk variances from Section 11.21E5, 11.21E11, 17.03B4, 17.03C4, 17.03C3, 17.02B2 of Land Use Ordinance to allow a front yard setback of 38.10 feet where the Ordinance requires a minimum front yard setback of 36.33 feet; to allow a maximum coverage by improvements of 59.7% where the Ordinance allows a maximum coverage by improvements of 40%; to allow parking in the rear and side yard where the Ordinance allows rear yard parking only; to allow a parking setback of 3 feet where the Ordinance requires a parking setback of 5 feet; to allow a setback of 5 feet from a residential district where the Ordinance requires a setback of 10 feet from a residential district; to allow 20 off street parking spaces where the Ordinance requires 22 off street parking spaces. Application approved with conditions

Michael Ash made a motion to adopt the resolution; Darielle Walsh seconded.

ALL IN FAVOR: Robert Newell, Mayor Shelley Brindle, Darielle Walsh, Michael Ash,
Michael La Place, Anastasia Harrison, Matthew Ceberio, Ross Goldstein
OPPOSED: None
ABSTAINED: None
ABSENT: Kris McAloon, Linda Habgood, Ann Freedman

Motion carried.

Resolution recommending the Town Council adopt the proposed resolution designating properties located in the Town's Special Improvement District as an area in need of rehabilitation.

Michael Ash made a motion to adopt the resolution; Darielle Walsh seconded.

ALL IN FAVOR: Robert Newell, Mayor Shelley Brindle, Darielle Walsh, Michael Ash,
Michael La Place, Anastasia Harrison, Matthew Ceberio, Ross Goldstein
OPPOSED: None
ABSTAINED: None

ABSENT: Kris McAloon, Linda Habgood, Ann Freedman

Motion carried.

Chairman Newell announced that the following application has been carried to the June 1, 2020, meeting:

PB 19-10 923 Central Avenue, LLC., 923 Central Avenue

OTHER BUSINESS:

♦ 2019 Board of Adjustment Annual Report

Don Sammet stated the Board heard and decided on a total of 55 applications in 2019. Fifty of the applications decided were approved, and 5 applications were denied. The applications included a total of 146 variance requests, comprised of 136 “c”-type or bulk variance requests, and 10 “d”-type variance requests. Forty-nine of the 55, or 90% of applications heard in 2019 involved property containing single family residential use. Of these, most involved additions to existing, single family dwellings or accessory structures on lots containing them (44 of the 55, or 80% of the applications heard in 2019). This is consistent with the types of applications reviewed by the Board in prior years.

The Board of Adjustment recommended that the solar panel ordinance should be reviewed to allow for street facing installations, provided a set of design standards is mandated to mitigate any negative aesthetic impacts. It was also recommended that building coverage limits be reexamined, with a comparison made to regulations found within communities similar to Westfield. The Board of Adjustment discussed the possibility of the building coverage limits being amended to remove the maximum square footage requirement and only apply a maximum percentage.

Planning Board members are concerned about the trend of granting use variances for two office uses in the CBD Zone. They want to communicate their concerns about office use on the first floor in heart of the business district when the restrictions on North and South Avenue were eased for office use on the first floor.

OTHER BUSINESS:

The Planning Board will conduct a public hearing for the purpose of hearing persons who are interested in or would be affected by a determination that any of the properties listed qualify as an “area in need of redevelopment”. The properties are Block 2405, Lot 15, 146 Elm Street; Block 2505, Lot 12.01, 131 Elm Street; Block 3001, Lot 5, 360 Waterson Street; Block 3101, Lot 5, 300 South Avenue West; Block 3103, Lot 7, 301 North Avenue West; Block 3107, Lot 2, 116 Elmer Street; Block 3116, Lot 11, 148 Central Avenue. At the conclusion of the public hearing, the Planning Board will make a recommendation to the Town Council as to whether or not the delineated area, or any part thereof, should be determined to be an “area in need of redevelopment.”

Don Sammet stated the public hearing is for the redevelopment of all municipally owned surface parking lots in the downtown area. The Mayor and Council directed the planning board by resolution to prepare a preliminary investigation to determine if the designated properties meet the criteria as a redevelopment area. Phil Abramson and Chris Colley from Topology prepared the investigation report.

Chairman Newell swore in Chris Colley (60 Union St #1N, Newark) and Phil Abramson (60 Union St #1N, Newark).

Mr. Abramson stated the scope of the investigation included multiple site visits, assessment of property conditions, review of ownership status, tax maps and aerial photos, tax assessor records, review of the existing zoning ordinance and map, and review of the master plan and master plan reexamination. The study area is comprised of seven non-contiguous properties within downtown Westfield. All of the properties contain surface parking lots and are owned by the Town of Westfield. The majority of the study area is in the Central Business District (CBD) zone; Block 3001, Lot 5 is in the GB-1 zone. Under the relevant sections of the Local Redevelopment Housing Law, a delineated area may be determined to be an area in need of redevelopment if at least one of the eight conditions described in the statutory criteria is present on the property.

All properties in the study area qualified under criteria h of the statutory criteria. Criterion h states a delineated area maybe be designated if it is consistent with the smart growth planning principles. The smart growth planning principles created by the Smart Growth Network and cited by the United States EPA include: provide a variety of transportation decisions, strengthen and direct development towards existing communities, create a range of housing opportunities and mixed land uses, create walkable neighborhoods, and preserve open space. The study area exhibits many of the characteristics of an area suitable for smart growth. It has great access to public transit including a commuter rail, and it is an established community center conducive to creating a walkable neighborhood that has a mixture of land uses. It has a distinct architectural character that can be enhanced with additional considerate and contextually appropriate development.

All properties in the study area qualified under criteria d of the statutory criteria. Criterion d states a delineated area maybe be designated if it has buildings or improvements which are dilapidated, obsolescent, faultily arranged or designed, have a lack of ventilation/light and sanitary conditions, excessive land coverage, have a deleterious land use or obsolete layout or any combination of these factors that would be detrimental to the safety, health, morals, or welfare of the community.

Block 2405, Lot 15, 146 Elm Street, meets criteria d under the LRHL. The property qualifies as an area in need of redevelopment under criteria d because it exhibits characteristics of obsolescence (specifically by housing an obsolete land use), faulty arrangement, and excessive lot coverage in a manner that is detrimental to the safety, health and welfare of the community. The area is inefficient as it is a single level of parking which excludes other potential uses, it does not have any functional value besides providing 142 parking spaces, it has limited striping and pedestrian infrastructure, wide drive lanes and tight turns, and there is excessive lot coverage with negligible pervious areas.

Block 2405, Lot 12.01, 131 Elm Street, meets criteria d under the LRHL. The property qualifies as an area in need of redevelopment under criteria d because it exhibits characteristics of obsolescence (specifically by housing an obsolete land use), faulty arrangement, and excessive lot coverage in a manner that is detrimental to the safety, health and welfare of the community. The area is inefficient as it is a single level of parking which excludes other potential uses, it does not have any functional value besides providing 212 parking spaces, it has worn or missing striping that creates an unsafe and unpredictable pedestrian environment, it has a lack of pedestrian infrastructure which means people walk in drive aisles, and there is excessive lot coverage with negligible pervious areas.

Block 3001, Lot 5, 360 Waterson Street, meets criteria d under the LRHL. The property qualifies as an area in need of redevelopment under criteria d because it exhibits characteristics of obsolescence (specifically by housing an obsolete land use), faulty arrangement, and excessive lot coverage in a manner that is detrimental to the safety, health and welfare of the community. The area is inefficient as it is a single level of parking which excludes other potential uses, it does not have any functional value besides providing 135 parking spaces, it has lack of directional striping and pedestrian infrastructure, the sidewalks lack ADA accessibility and has broken or missing curbing, and there is excessive lot coverage with negligible pervious areas.

Block 3101, Lot 5, 300 South Avenue West, meets criteria d under the LRHL. The property qualifies as an area in need of redevelopment under criteria d because it exhibits characteristics of obsolescence (specifically by housing an obsolete land use), faulty arrangement, and excessive lot coverage in a manner that is detrimental to the safety, health and welfare of the community. The area is inefficient as it is a single level of parking which excludes other potential uses, it does not have any functional value besides providing 549 parking spaces, the inefficiency is particularly detrimental because of the proximity to the train station and the foregone opportunity, it has lack of pedestrian infrastructure, tight turns and wide drive aisles, and there is excessive lot coverage with negligible pervious areas.

Block 3103, Lot 7, 301 North Avenue West, meets criteria d under the LRHL. The property qualifies as an area in need of redevelopment under criteria d because it exhibits characteristics of obsolescence (specifically by housing an obsolete land use), faulty arrangement, and excessive lot coverage in a manner that is detrimental to the safety, health and welfare of the community. The area is inefficient as it is a single level of parking which excludes other potential uses, it does not have any functional value besides providing 270 parking spaces, the inefficiency is reflected in the density, mix, and value of surrounding uses and proximity to the train station, it has lack of pedestrian infrastructure, tight turns, partially visible striping and deteriorating improvements, handicapped spaces that do not meet the ADA requirements, and there is excessive lot coverage with negligible pervious areas.

Block 3107, Lot 2, 116 Elmer Street, meets criteria d under the LRHL. The property qualifies as an area in need of redevelopment under criteria d because it exhibits characteristics of obsolescence (specifically by housing an obsolete land use), faulty arrangement, and excessive lot coverage in a manner that is detrimental to the safety, health and welfare of the community. The area is inefficient as it is a single level of parking which excludes other potential uses, it does not have any functional value besides providing 112 parking spaces, the inefficiency is reflected in the density, mix, and value of surrounding uses, it has no pedestrian infrastructure or place of refuge, it has tight turns and narrow drive lanes, and there is excessive lot coverage with negligible pervious areas.

Block 3116, Lot 11, 148 Central Avenue, meets criteria d under the LRHL. The property qualifies as an area in need of redevelopment under criteria d because it exhibits characteristics of obsolescence (specifically by housing an obsolete land use), faulty arrangement, and excessive lot coverage in a manner that is detrimental to the safety, health and welfare of the community. The area is inefficient as it is a single level of parking which excludes other potential uses, it does not have any functional value besides providing 79 parking spaces, the inefficiency is reflected in the density, mix, and value of surrounding uses, it has limited pedestrian infrastructure specifically for crossing the lot or entering/exiting vehicles, and there is excessive lot coverage with negligible pervious areas.

Mr. Abramson referred to the case of Concerned Citizens, Inc vs. Mayor and Council of the Borough of Princeton. The NJ Appellate Division upheld a finding that a downtown surface parking lot was evidence of obsolescence and qualified as an area in need of development under criteria d of the statutory criteria. Specific conditions similar to those found in Westfield were

cited by the Court in the Concerned Citizens case. The properties were located in the downtown where surface parking represented yesterday's solution in a setting where structure parking is the new standard, long term efforts had been underway to improve the downtown, and parking lots inhibited the uses that would fulfill Princeton's objectives. Present conditions in Westfield are analogous to those that were found in Princeton at the time of the Concerned Citizens findings. As in Princeton, Westfield has engaged in efforts to analyze opportunities to improve the downtown in alignment with community objectives. These community objectives call for the downtown to continue to develop as a vibrant economic center that emphasizes the pedestrian experience. Aesthetically the surface parking lots leave a gap in the urban form in a manner that discourages pedestrian activity and has a negative impact on the connectivity of the downtown. Surface parking lots exhibit design conditions that are detrimental to the health and safety of the community. Surface parking lots are an inefficient use of space, both from a vertical and horizontal experience, and surface parking lots leave less land available for achieving community goals. Surface parking lots also exhibit excessive lot coverage, which exacerbates stormwater management issues in a way that creates health and safety issues. Redevelopment of surface lots will reduce the impervious coverage, and provide green features that will manage stormwater and help address important environmental issues. This is evident in the fact that most parking lots, including those in the study area, exceed modern impervious coverage maximums, contributing to their obsolete design.

Based upon the results of the preliminary investigation, Mr. Abramson stated we conclude the study area encompassing Block 2405, Lot 15, 146 Elm Street; Block 2505, Lot 12.01, 131 Elm Street; Block 3001, Lot 5, 360 Waterson Street; Block 3101, Lot 5, 300 South Avenue West; Block 3103, Lot 7, 301 North Avenue West; Block 3107, Lot 2, 116 Elmer Street; Block 3116, Lot 11, 148 Central Avenue, can be appropriately designated as an area in need of redevelopment.

Open to public comments.

Ying Gautreau (610 West Broad Street) stated it is a great presentation and was very informative.

Closed to public comments.

The Board agreed it was a great presentation that reaffirmed there is a lost opportunity with these lots and designating them as a redevelopment area will benefit the community on many levels.

Chairman Newell called for a motion. Darielle Walsh made a motion that the properties meet the statutory criteria and should be recommended to the Town Council as an area of redevelopment; Michael La Place seconded.

ALL IN FAVOR:	Robert Newell, Mayor Shelley Brindle, Darielle Walsh, Michael Ash, Michael La Place, Anastasia Harrison, Matthew Ceberio, Ross Goldstein
OPPOSED:	None
ABSTAINED:	None
ABSENT:	Kris McAloon, Linda Habgood, Ann Freedman

Motion carried.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 8:57 pm.

Respectfully Submitted,

Linda Jacus
Administrative Secretary